

## Northern Territory of Australia

### Mental Health and Related Services Act

#### Practice Direction No 1 - Interpretation

Pursuant to section 129(2A) of the *Mental Health and Related Services Act*, I, Vincent Michael Luppino, President of the Mental Health Review Tribunal make the following Practice Direction.

1. This Practice Direction shall be known as Practice Direction No 1 - Interpretation.
2. In all Practice Directions issued pursuant to section 129(2A) of the Act, unless the contrary intention appears, the following terms shall have the following meanings:-
  - 2.1 "the Act" shall mean the Mental Health and Related Services Act;
  - 2.2 "APP" means an authorised psychiatric practitioner;
  - 2.3 "APQAC" means the Approved Procedures and Quality Assurance Committee constituted pursuant to Part 17 of the Act;
  - 2.4 "Closing Time" means:-
    - 2.4.1 in the case of a patient detained in the Facility in Darwin, for patients detained before 9am on a Monday, that Monday at 12 noon and for patients detained after 9am on a Monday but before the Tuesday at 9am, that Tuesday at 12 noon, and
    - 2.4.2 in the case of a patient detained in the Facility in Alice Springs, for patients detained before 9am on a Wednesday, that Wednesday at 12 noon and for patients detained after 9am on a Wednesday but before the Thursday at 9am, that Thursday at 12 noon;
  - 2.5 "Deputy Registrar" means the Deputy Registrar of the Tribunal appointed pursuant to section 121 of the Act;
  - 2.6 "Facility" means an approved treatment facility;

- 2.7 "Hearing" means the proceeding of the Tribunal for the purpose of conducting any review required by the Act;
  - 2.8 "Member of the Public" means a person who requires a direction from the Tribunal pursuant to section 135(1) of the Act to enable his attendance at a Hearing but does not include any person to be called as a witness;
  - 2.9 "Mental Health Services" and "MHS" shall mean the Mental Health Services section of the Department of Health and Families and where the context requires, includes any officer or employee thereof;
  - 2.10 "Notice" means any notice required to be given pursuant to any Practice Direction;
  - 2.11 "Patient's Legal Representative", in respect of a patient means any legal practitioner acting for or prepared to act for that patient and includes a legal practitioner appointed by the Tribunal to act for that patient pursuant to section 131(2) of the Act and, where the context requires includes a representative as that term is defined in section 4 of the Act;
  - 2.12 "Report" shall mean the form of report applicable to the orders sought at a Hearing as prescribed by APQAC;
  - 2.13 "Request" means a request pursuant to section 127(3) of the Act seeking a review of a decision to admit a person as an involuntary patient prior to the time when the Tribunal would first review that admission in the ordinary course of events.
3. Unless a contrary intention appears, any term defined in the Act shall have the same meaning for the purposes of any Practice Direction.
  4. Where the context requires, words indicating one gender shall include each other gender and words indicating the singular include the plural and vice versa.
  5. Whenever a Practice Direction requires Notice to be given then, subject to anything to the contrary in any particular Practice Direction as to the time for service, the form of notice or the recipient of the notice, the Notice shall be in writing, shall be given as soon as practicable and, in addition to any other method of giving notice, it may be given by delivering it personally or via electronic mail or facsimile. In the case of a Notice given by MHS, the Notice shall be provided to the Tribunal, to the patient, to the Patient's Legal Representative and to any adult Guardian appointed in respect of the patient. In the case of Notice given by or on behalf of the patient, it may given personally to an employee of MHS at the Facility and MHS shall then forward that to the Tribunal, to the Patient's Legal Representative and to any adult

guardian appointed for the patient as if it were a Notice to be given by MHS.

6. Unless specific provision shall be made in any particular Practice Direction, where the last day for giving of a Notice falls on a weekend or a public holiday, the Notice may be given on the first day after that day that is not a weekend or a public holiday.
7. A failure to comply with a requirement in a Practice Direction is an irregularity and does not nullify any step taken, any document used or any order made and the Tribunal may dispense with compliance with any requirement in a Practice Direction, either before or after the time for compliance.

Dated this 28<sup>th</sup> day of April 2009.

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V M Luppino  
President,  
Mental Health Review Tribunal